

**OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
STRATEGIC PLAN
FY2004**

MISSION

Upon appointment by an Idaho district court, and within its jurisdiction as defined by Idaho Code § 19-870, the Office of the State Appellate Public Defender (SAPD) provides representation for indigent defendants in felony criminal actions in the following cases: appeals from convictions in district court, appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code, appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code, and post-conviction relief proceedings in district court in capital cases.

VISION

Over the next year, the Office of the SAPD has an opportunity to assess and re-organize both its physical office space and its technology so that it can more efficiently provide effective appellate advocacy for Idaho's indigent defendants. Deputy SAPDs will continue to hone their appellate skills and critically assess the underlying cases from which the appeal is sought. Whether the task is capital litigation or non-capital appellate work, the Office of the SAPD is strongly committed to providing all staff, including the support staff, with the knowledge, training, and skills necessary to effectively represent the indigent defendant. The Office of the SAPD has created a technology-based, team-oriented, efficiently run law office; it must now begin to refine and examine the processes by which it operates. The Office of the SAPD will continue to implement a flexible schedule encompassing telecommuting, as it promotes productivity and increases morale. The Office of the SAPD will improve the Internet site, which will provide relevant legal information, as well as an opportunity for attorneys and other legal professionals to communicate with the staff of the Office of the SAPD on a myriad of issues. It is envisioned that the Office of the SAPD will serve as a resource for the defense bar, particularly the Idaho Public Defenders, on trial and appellate issues. The Office of the SAPD continues to strengthen its ties with the Idaho State Bar, providing, and participating in, continuing legal education. The Office of the SAPD is dedicated to strengthening the voice of and resources available to, the Idaho indigent defendant and the Idaho public defenders by fully partnering in state and national organizations such as the Idaho Association of Criminal Defense Lawyers (IACDL), and the National Legal Aid and Defender's Association (NLADA). The Office of the SAPD is also committed to becoming a valuable member of its immediate community and the State of Idaho.

OPERATING PHILOSOPHY

The Office of the SAPD believes in open communication, mutual support and teamwork in an environment characterized by managed, participatory change and professionalism. This philosophy is delineated through written SAPD policy, which states in pertinent part that " ... Employees will be treated fairly and honestly.

Employees of the Office of SAPD can expect to be treated with respect, care, and concern and as important members of the SAPD team... Employees can expect to have their ideas, suggestions, and input heard and given serious consideration. Employees can expect to have a good understanding of the work expected of them and what is considered to be the proper performance level. Employees can expect a pleasant place in which to work; but in so doing, they can expect to take part in making it a pleasant place to work... Employees can expect change. However, during the process of implementing changes, employees can expect to provide input, and to the greatest extent possible be kept informed of the changes and the reasons for them."

ISSUES AND CHALLENGES

- Provide adequate appellate representation despite an increase in caseload and budget constraints. The caseload is anticipated to increase due to a number of factors, such as:
 - (1) Law enforcement initiatives designed to decrease crime by increasing the number of law enforcement officers and more vigorous prosecution of drug cases;
 - (2) Increased population of Idaho; and
 - (3) High utilization of the Office of the SAPD by Idaho's indigent defendant population.
- Accurately project the budget request based on an anticipation of the number of potential death penalty cases statewide, in light of the recent United States Supreme Court decision of *Ring v. Arizona*, and the rising number of appeals in non-capital cases.
- Create a professional environment that will foster creativity, and provide job satisfaction to employees, which will enable the SAPD to recruit, and more importantly retain, competent personnel, despite significant budget constraints.

FOUR YEAR GOALS

- To improve the appellate skills of all attorneys employed by the Office of the SAPD that will enable the attorneys to more effectively handle the continual increase in caseload in both capital and non-capital cases.
- To improve the use of technology to increase productivity within the Office of the SAPD, and specifically, the Capital Litigation Unit.
- To improve communication between the public defenders, the bar, the public, the courts and the counties served by the Office of the SAPD.
- To provide Continuing Legal Education Seminars on Appellate and Post Conviction Issues for the public defenders in the State of Idaho.

- To make national resources real and available to Idaho Public Defenders.
- To increase the public's awareness of the Office of the SAPD so that the office is seen as a valuable resource and a member of the community.

OBJECTIVES

1. To increase and capitalize on educational opportunities for appellate counsel and support staff within the budgeted resources.

Actions/Strategies

- Identify the annual conferences and classes given both locally, state, and nation wide that provide adequate training opportunities for staff by August 30, 2003.
- Prioritize the training options and utilize training dollars more efficiently, with the idea of getting the most training for the dollar.
- Budget according to the priorities identified by August 30, 2003.
- Implement strategy under budget constraints by August 30, 2003.

2. To increase the use of technology by 10% to increase productivity in accomplishing the mission by June 2004.

Actions/Strategies

- Develop and implement a technology plan for the Capital Litigation Unit, based on the installation of ProLaw V9, to further the goal of efficient and effective capital litigation by December 31, 2003.
- Reorganize and document any changes to the SAPD information system by August 31, 2003.
- Based on the reorganization, review and make necessary changes, if any, to the technology plan by May 2004.
- Identify and purchase mission critical hardware and software (such as a back-up system) by August 31, 2003.
- At least annually, for the next four fiscal years, review technology procedures for impact on productivity with executive staff and information technology professional. The annual review will be accomplished prior to December 31 of the fiscal year.

3. To increase communication opportunities with the public defenders, the bar, the courts, the general public, and counties to substantially increase the constituencies' awareness of the value of the Office of the SAPD.

Actions/Strategies

- Revise the Office of SAPD internet web site, including the brief bank, by December 31, 2003. The web presence will provide an opportunity and medium for increased communication and education only if it is current and relevant. There have been difficulties in establishing the brief bank, and it is necessary to further determine whether a brief bank is feasible at this time. A process was initiated to have the State host our internet site and brief bank; further information and analysis must occur before full implementation is final.
 - Make the necessary changes to the web site by December 31, 2003.
 - Attend at least two bar functions or bar-related activities every year for the next four fiscal years.
 - Personally communicate with the public defenders, court staff and members of the judiciary in at least two of the regions. Have an open dialogue regarding the ways in which the SAPD can more effectively serve this population.
 - Encourage staff participation at the elementary, high school, and post-secondary educational level in educating students concerning defense, trial and appellate practice.
 - Volunteer to participate in at least two court-sponsored committees for the next four fiscal years.
 - Participate in Law Day every year for the next four fiscal years.
 - Submit budget request in a timely manner on an annual basis to accomplish the objectives for the sub-task of this objective.
- 4. Provide Educational Outreach on Criminal Direct Appeals and Post Conviction Issues for the public defenders in the State of Idaho.**
- By June 30, 2004, have ready for distribution a Uniform Post Conviction Petition Procedures Manual for use by public defenders.
 - Develop with the Idaho State Bar Association and or the Idaho Association of Criminal Defense Lawyers at least one continuing legal education seminar for the next four fiscal years.

- By May 31, 2004, verify that all public defender offices understand the services provided by the SAPD and how those services can be accessed.

5. Review and determine if national resources can be accessed by Idaho public defenders.

- By September, 2003, send the SAPD and one staff member to a grant writing seminar.
- By December 31, 2003, identify national and local grants for which public defenders qualify and determine when the application deadlines fall.
- In the next two years, submit at least two (2) grant applications.